

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES EDKINS,

Plaintiff,

CASE NO. 1:17-CV-142

v.

HON. ROBERT J. JONKER

UNITED STATES OF AMERICA,

Defendant.

ORDER AFFIRMING MAGISTRATE JUDGE'S DECISION
AND
APPROVING AND ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Judge Kent's Report and Recommendation dated March 1, 2018 (ECF No. 66). Plaintiff states that he received the Report and Recommendation on March 6, 2018 (ECF No. 70, PageID.632). On March 13, 2018, Plaintiff sought an extension of the deadline for objections, which the Magistrate Judge denied (ECF No. 68). Instead of filing timely objections, Plaintiff appealed the denial of his request (ECF No. 70).

1. Appeal

In considering an appeal of a magistrate judge's ruling on a non-dispositive pre-trial motion, the Court applies a "clearly erroneous or contrary to law" standard of review. *United States v. Curtis*, 237 F.3d 598, 503 (6th Cir. 2001) (citing *United States v. Raddatz*, 447 U.S. 667, 674 (1980)); accord *Brown v. Wesley's Quaker Maid, Inc.*, 771 F.2d 952, 954 (6th Cir. 1985) (citing 28 U.S.C. § 636(b)(1)(a); see also FED. R. CIV. P. 72(a) (providing that district judge must consider timely objections to non-dispositive pretrial orders of magistrate judge and modify or set aside any part of order that is clearly erroneous or is contrary to law). A finding is "clearly erroneous" when the reviewing court on the entire evidence is left with the definite and

firm conviction that a mistake has been committed.” *Anderson v. City of Bessemer City, North Carolina*, 470 U.S. 564, 573 (1985) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

The Court finds no error in the Magistrate Judge’s denial of Plaintiff’s request for an extension. The record reflects that Plaintiff has been fighting the same basic case and complaining of the same underlying events for years. Plaintiff is not entitled to more time to continue to litigate the matter.

2. Report and Recommendation

Though not required to do so, the Court has conducted a de novo review of the record. The Court finds the Report and Recommendation factually sound and legally correct. The government is entitled to summary judgment, for precisely the reasons the Report and Recommendation details.

ACCORDINGLY, IT IS ORDERED:

1. Plaintiff’s appeal of the Magistrate Judge’s Order (ECF No. 70) is **OVERRULED**. The Order of the Magistrate Judge (ECF No. 68) is **AFFIRMED**.

2. The Report and Recommendation of the Magistrate Judge (ECF No. 66) is **APPROVED AND ADOPTED** as the opinion of the Court.

3. The government’s Motion for Summary Judgment (ECF No. 57) is **GRANTED**.

4. For the same reasons that the Court dismisses Plaintiff’s claims, the Court discerns no good-faith basis for an appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997) (overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

This case is **TERMINATED**.

Dated: March 29, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE